

REMARKS

Claims 1-18 are pending in the above-identified application. By this Amendment, the Applicant has amended claims 1 and 10 so that the observed presence profiles “comprise information regarding the presence status of the device over a period of time” and so that the model presence profiles “represent an approximation of the presence status of the device.” The amendment to the claims are supported by the application as originally filed, and do not introduce new matter. Support for the amendment with regard to the observed presence profile can be found at page 4, lines 17-18, which notes that the observed presence profile is created by sampling presence status over a period of time, and page 5, lines 15-16, which notes that the observed presence profile includes information, *e.g.*, notification data, with regard to the presence status of a device. Support for the amendment with regard to the model presence profiles may be found at page 5, lines 22-23, which notes that each model profile is a representation of the approximate behavior with regard to the status of the device. Accordingly, entry of the amendment to claims 1 and 10 is respectfully requested.

Claim Rejections – 35 U.S.C. §102

At page 2 of the Office Action, the Examiner rejects claims 1-18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,549,768 (“Fraccaroli”). The Applicant respectfully traverses these rejections, and asserts that the claims pending in the present application are patentable over Fraccaroli for at least the reasons stated below.

As noted previously, Fraccaroli describes the system as a “dating service” that matches subscribers having common interests that are within a predefined proximity of each other. See Col. 8, lines 57-58. The Fraccaroli system matches persons based on data contained in matching profiles stored on the system for each subscriber/mobile station. Col. 5, lines 31-32; Col. 8, lines 28-32. Matching profiles contain information regarding the characteristics of each subscriber, such as “business interests, personal interests, identify information of people whose proximity [the subscriber] wants to be aware of and put in contact with if close enough, etc.” Col. 8, lines 35-39. Fraccaroli maintains a logbook of information regarding matches made for particular subscribers, such as the time, date, location, *etc.*, of the match. Col. 9, line 25-col. 10, line 15.

In contrast to Fraccaroli, the present invention is directed to methods and software for reducing the frequency with which presence status information needs to be sent to client devices, which reduces the frequency that presence status information must be transmitted over a network. More specifically, independent claims 1 and 10, and claims 2-9 and 11-18 dependent thereon, respectively, are drawn toward methods and computer software for informing clients as to the presence of a device by recording a presence status of a first device to create an observed presence profile, comparing the observed presence profile with one or more model presence profiles to compute a closest matching model presence profile, and transmitting information representing the closest matching model presence profile to one or more devices. The observed presence profile comprises information regarding the presence status of the device over a period of time and the model presence profiles represent an approximation of the presence status of the device.

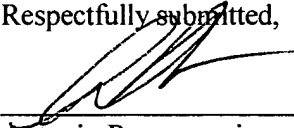
Neither Fraccaroli nor any other reference cited by the Examiner, either alone or in combination, discloses or otherwise suggests the invention as claimed. The logbook feature of Fraccaroli does not include presence status information of the device over a period of time and is thus not analogous to the observed presence profile of the present invention. Moreover, Fraccaroli does not disclose model presence profiles that represent an approximation of the presence status of the device, and thus does not compute a closest matching model presence profile based on a comparison with the observed presence profile.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the Applicant's position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

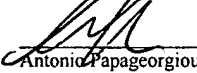
For the above reasons, the Applicant submits that the present invention, as claimed, is patentable over the references cited by the Examiner. Accordingly, reconsideration and allowance of pending claims 1-18 is therefore respectfully solicited. To expedite prosecution, the Examiner is invited to contact the Applicant's representative at 212-895-2905.

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Respectfully submitted,


Antonio Papageorgiou
Reg. No. 53,431
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
900 Third Avenue
New York, NY 10022
Tel. (212) 895-2000
Fax (212) 895-2909

I hereby certify that this paper and any accompanying papers referenced herein are being deposited this date with the U.S. Postal Service as First Class Mail with sufficient postage addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 March 7/2005
Antonio Papageorgiou Date